

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PRECISION CPAP, INC.;)	
MEDICAL PLACE, INC.;)	
PHASE III VANS, INC. d/b/a)	
EAST MEDICAL EQUIPMENT)	
AND SUPPLY; and MED-EX,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.:
)	2:05-cv-1096
JACKSON HOSPITAL;)	
MED-SOUTH, INC.; JMS)	
HEALTH SERVICES, L.L.C. d/b/a)	
JACKSON MED-SOUTH HOME)	
HEALTH, L.L.C.; BAPTIST)	
HEALTH, INC.; AMERICAN)	
HOME PATIENT, INC.;)	
BAPTIST VENTURES-)	
AMERICAN HOME PATIENT,)	
)	
Defendants.)	

UNOPPOSED MOTION TO SUSPEND DEADLINES

Plaintiffs in the above referenced-case hereby move, without opposition from Defendants, and after conferring with defense counsel, to suspend the deadlines for discovery, retained expert reports, expert depositions, and for motions and briefing related to the preliminary issues regarding product market in this anti-trust case until the pending Motion to Dismiss filed by all Defendants is ruled upon. As grounds for

this Motion, Plaintiffs, after conferring with defense counsel, state the following.

1. The parties have been conducting written discovery in this case. This discovery calls for the production of voluminous documents, and expensive expert work, at great expense to all parties.

2. The ruling on the Motion to Dismiss will greatly influence the scope of the discovery, could even conceivably end the case. Because the Motion could be dispositive of the case, or narrow the scope of discovery, the parties, in order to preserve resources, wish to suspend discovery except for the outstanding third-party discovery that has already been served, until such time as the Motion is ruled upon, and then enter into an amended scheduling order once the issues in the Motion to Dismiss are decided.

3. No party will be prejudiced by the granting of this Motion, and this Motion will not extend the trial date in this case because a trial date has not been set..

WHEREFORE, because Plaintiffs make this Motion without objection from Defendants, and with consent of Defendants, and because the granting of this motionn will allow for the thorough, cost effective, and orderly progression of the case, Plaintiffs hereby request that the deadlines for the disclosure of Plaintiffs' expert information, for non-expert discovery on the preliminary issues, the deadlines for expert depositions, and the deadlines for motions and briefing on the preliminary

issues be suspended until the Court rules on the pending Motion to Dismiss.

Respectfully Submitted,

s/Brian M. Clark
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing via CMF Electronic Filing System and/or by U. S. Mail, properly addressed and postage prepaid upon the following:

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Done this 25th day of September, 2006.

s/Brian M. Clark

Of Counsel